

CHAPTER 2

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CALIFORNIA VEHICLE CODE REFERENCE SOURCES RELATING TO ABANDONED VEHICLES

1. PURPOSE. This chapter provides a brief listing of California Vehicle Code (VC) laws relating to the abatement of abandoned vehicles. Additional VC sections are located in Annex A and are intended to provide further reference material for the development of Abandoned Vehicle Abatement (AVA) Plans.
2. ABANDONED VEHICLE TRUST FUND.
 - a. Section 9250.7 VC.
 - (1) Section 9250.7 VC establishes the funding source for the abatement of abandoned vehicles by a county-based Service Authority (hereinafter referred to as "Authority"), pursuant to the provisions of Section 22710 VC. The VC imposes a service fee of one dollar (\$1) on vehicles registered to an owner with an address in the county that established the Authority. The fee is paid to the Department of Motor Vehicles (DMV) at the time of registration or renewal of registration.
 - (2) The DMV, after deducting its administrative costs, at least quarterly transmits the net amount collected to the State Controller's Office (SCO) for deposit in the Abandoned Vehicle Trust Fund. All money in the fund is continuously appropriated to the SCO for allocation to an Authority that has an approved AVA Program pursuant to Section 22710 VC, and for payment of the administrative costs of the SCO.
 - (3) The fee imposed by an Authority shall remain in effect only for a period of 10 years from the date that the actual collection of the fee commenced.
3. ABANDONMENT PROHIBITED.
 - a. Section 22523 VC.
 - (1) The VC does not define an abandoned vehicle.

(2) Section 22523 VC establishes that no person shall abandon a vehicle upon any highway, public or private property without the consent of the owner or person in lawful possession or control of the property.

(3) Any person convicted of a violation of this Section shall be punished by a fine of not less than one hundred dollars (\$100) and shall provide proof that the costs of removal and disposition of the vehicle have been paid. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment.

4. CIRCUMSTANCES PERMITTING REMOVAL.

a. Section 22651 VC.

(1) Section 22651(k) VC. Section 22651(k) VC states that when any vehicle is left parked or standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing its removal, it may be removed. However, violation of Section 22651(k) VC is not the basis for establishing an abandoned vehicle. If a code enforcement officer wishes to abate the vehicle as abandoned, when in violation of Section 22651(k) VC, the vehicle must be cited and issued a “10-day notice of intention to abate and remove the vehicle,” per Section 22661(d) VC.

Example one: A vehicle is left upon a highway for 72 hours and is towed for violation of the local ordinance. The towing charges may not be assigned to the AVA program because the vehicle was not considered abandoned and abated in compliance with the 10-day notice requirement of Section 22661(d) VC.

Example two: A vehicle is left upon a highway and is immediately noticed in compliance with 22661(d) VC. Although the vehicle may be towed after 72 hours, the vehicle is left for 10 days to comply with notice requirements. After the 10-day period has elapsed to establish abandonment, towing fees may be charged to the AVA program.

(2) Section 22651(o) VC. Section 22651(o) VC authorizes removal of a vehicle found upon a highway, any public lands, or an off-street parking facility with a registration expiration date in excess of six months before the date it is found on the highway, public lands, or off-street parking facility. Violation of Section 22651(o) VC permits removal of a vehicle but does not constitute an abandoned vehicle.

Example: Consistent with the examples above, a vehicle left upon a highway for 72 hours may be legally towed for violation of 22651(o) VC. However, to permit

assignment to the AVA program for reimbursement of expenses as an abandoned vehicle, the vehicle must be noticed in compliance with 22661(d) VC and removed after the 10-day period has elapsed.

b. Section 22669 VC.

(1) Section 22669(d) VC allows for the immediate removal of any vehicle which is lacking an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely upon a highway and has been declared a hazard to public health, safety, and welfare by a peace officer or designated employee of a state, county, or city.

Example: A vehicle is parked upon the highway that is missing a door or any part that allows the vehicle to be operated safely upon the highway or is leaking a hazardous fluid. This is a violation of Section 22669(d) VC and the vehicle may be immediately removed as a hazard to public safety. This qualifies as an abandoned vehicle and towing fees may be charged to the AVA Program.

5. AUTHORITY FOR THE ABATEMENT OF ABANDONED VEHICLES.

a. Section 22710 VC. Section 22710 VC establishes the authority for abandoned vehicle abatement. The Authority may adopt an ordinance to establish procedures for the abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

b. Section 22660 VC. Section 22660 VC establishes procedures for abandoned vehicle abatement as public nuisances on private or public property through an ordinance which may be reimbursable through the AVA Program.

c. Section 22661 VC. Section 22661 VC establishes what procedures shall be contained in a local ordinance for the removal of abandoned vehicles including requirements for a 10-day notice of intention to abate and remove the vehicle. Refer to Annex C, page C-19, for a procedural template.